

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 285 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY P W - MINOR

M K K..... 1ST APPLICANT

E W K..... 2ND APPLICANT

J U D G M E N T

The applicants, M K K and E W K, are husband and wife. They were married on 15th April 1989. The 1st applicant is employed as a Consultant at *[particulars withheld]* while the 2nd applicant is a Counseling Psychologist. The Applicants have been blessed with two (2) children, sons, who are now adults. They have applied to this court to be allowed to adopt baby P W (the child). The child was presumed to have been born on 8th June 2010. She was found abandoned on 9th June 2010 at *[particulars withheld]* Trading Centre within Molo District. A report was made on the same day to Molo Police Station. The child was taken to *[particulars withheld]* for care and treatment. The *[particulars withheld]* was informed of the incident and managed to secure home placement for the child at *[particulars withheld]* where the child was taken for care and protection. The Nakuru Children's Court committed the custody and care of the child to the said Children's Centre on 14th June 2010 pending formal adoption proceedings. The applicants were given custody of the child for mandatory foster care on 20th July 2011 pending adoption pursuant to a duly signed foster care agreement.

Prior to the hearing of the adoption, the Kenya Children's Home, an adoption society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 12th April 2011. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, J W G, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements pertaining to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. This court is satisfied that the applicants are qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed that the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants' application for adoption. The applicants, M K K and E W K, are hereby allowed to adopt Baby P W. Henceforth the child shall be known as M N K. Her date of birth shall be 8th June 2010. Her place of birth shall be Molo- Kenya. She is presumed to be a Kenyan. P K N and Z N W, the brother in-law and sister of the 2nd applicant shall be the legal guardians of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

DATED AT NAIROBI THIS 28TH DAY OF MARCH, 2014

L. KIMARU

JUDGE